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DATE: FEBRUARY 28, 2002

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TIME:

YOUR REFERENCE: 09/349,650

OUR REFERENCE: 209881

TO: GROUP ART UNIT: 2162  
EXAMINER. J. JANVIERTELEPHONE NUMBER: (703) 308-6287  
FACSIMILE NUMBER: (703) 746-7238

FROM: MARK JOY

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**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2162**PATENT  
Attorney Docket No. 209881**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Nyhan et al.

Application No. 09/349,650

Art Unit: 2162

Filed: July 8, 1999

Examiner: Jean D. Janvier

For: **SYSTEM AND METHOD FOR  
EVALUATING AND/OR  
MONITORING EFFECTIVENESS OF  
ON-LINE ADVERTISING****RESPONSE TO FINAL OFFICE ACTION**Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated November 6, 2001, please consider the following remarks. Reconsideration of the prior grounds for rejection and allowance of the presently pending claims 1-18 and 20-50 are respectfully requested in view of Applicants' remarks.

Applicants petition for a one-month extension of time under 37 CFR 1.136. The Office is authorized to charge Deposit Account No. 12-1216 for the one month extension fee of \$55.00.

03/01/2002 THALL1 00000002 121216 09349650 REMARKS

01 FC:215 55.00 On February 21, 2002, a telephone conference was conducted between Examiner Myhre and the undersigned attorney. During the phone conference, Examiner Myhre agreed that the cited Dedrick patent does not disclose elements relating generally to the server responsively placing an indicator on the user's computer.

It is Applicants' understanding that Examiner Myhre has looked at the claims and discussed the invention with Examiner Janvier. Examiner Janvier agrees that Dedrick does

not disclose the communications between a user computer and a server computer (invoked by code within an activated advertisement and resulting in transmitting an indicator from the server computer to the user computer) as recited in the broadest claims.

*Conclusion*

In view of the agreement regarding deficiencies in the disclosure of the cited prior art, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to withdraw the final rejection and to pass this application to issue. If, in the opinion of the Examiner, a further telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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Date: Feb. 28, 2002

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as attached or enclosed) is being transmitted by facsimile to the United States Patent and Trademark Office, Attention: Examiner Jean D. Janvier, Art Unit 2162, Facsimile Number 703 746-7238, on the date indicated.

Date: February 28, 2002

Norma J. Arhos  
(Typed or printed name of person transmitting)

Norma J. Arhos  
(Signature of person transmitting)

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